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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,720	10/18/2001	Moshe Rock	10638-025001	8722
26161	7590	04/09/2004	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			BEFUMO, JENNA LEIGH	
			ART UNIT	PAPER NUMBER
			1771	
DATE MAILED: 04/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/982,720

Applicant(s)

ROCK ET AL.

Examiner

Jenna-Leigh Befumo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27, 30 and 37 is/are pending in the application.  
4a) Of the above claim(s) 19-23, 26 and 27 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-18, 24, 25, 30 and 37 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1 – 27, 30, and 37 are pending. Claims 19 – 23, 26, and 27 are withdrawn from consideration as being drawn to a nonelected invention.
2. The Applicant's amendments to the drawings and the Applicant's arguments submitted in the response are sufficient to overcome the objections to the drawings set forth in the previous Office Action (response, page 8).

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1 – 9, 16 – 18, 25, 30, and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lombardi et al. (4,103,518) in view of Ploch et al (3,837,943) for the reasons of record.
5. Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Lombardi et al. in view of Ploch et al. as applied to claim 1 above, and further in view of Callaway for the reasons of record.
6. Claims 14 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lombardi et al. in view of Ploch et al. and Richards et al., as applied to claim 10 above, and in further view of Wood et al. (US 2002/0124365 A1) for the reasons of record.

### ***Response to Arguments***

7. Applicant's arguments filed January 26, 2004 have been fully considered but they are not persuasive. The Applicant argues that the rejection based on Lombardi et al. in view of Ploch et al. could not be combined to create the claimed invention because Ploch et al. discloses a heat-

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sensitive stitching thread which is used to sew two fabric layers together and not used to stitch loop yarns into a base layer (response, page 9 – 11). However, Ploch et al. does not disclose stitching two fabric layers together with a heat-sensitive yarn. Instead, Ploch et al. discloses a stitch-bonded fabric, such as the fabric described in US 3,168,883 or those fabrics produced on a Malimo machine (column 1, lines 12 – 28). As is shown in the figure of US 3,168,883, a loop yarn is attached to a base layer, by a stitching thread. Therefore, the stitching thread disclosed by Ploch et al. is interlocked with the loop yarn to create a pile structure on one face of the base layer. This would be similar to the stitch yarn taught by Lombardi et al. which interlocks with the loop to connect the loop yarn to the base layer of the pile fabric. Further, Ploch et al. discloses that using a heat sensitive stitching thread helps makes a stronger bond between the loop yarns and the base layer and improves the stability of the entire fabric (column 1, line 60 – column 2, lines 4). Ploch et al. also discloses that using a shrinkable material as the stitching yarn creates a bulkier fabric (column 4, lines 3 – 4). Therefore, it would have been obvious to one having ordinary to substitute the heat-sensitive stitching thread taught by Ploch et al. for the stitching yarn taught by Lombardi et al. because Ploch et al. teaches that using a heat-sensitive yarn creates stronger bonds between the loop yarns and the base layer and creates a bulkier fabric. Therefore, the rejection is maintained.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jenna-Leigh Befumo  
March 26, 2004



CHERYL A. JUSKAS  
PRIMARY EXAMINER

